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October 21, 2021

**Via ECF**

Hon. Vernon S. Broderick, U.S.D.J. (S.D.N.Y.)  
Thurgood Marshall Courthouse  
40 Foley Sq., New York, NY 10007

Re: *Avalon Holdings Corp. v. Gentile*, et. al., No. 18-cv-7291-VSB;  
*related to: New Concept Energy, Inc. v. Gentile*, et. al., No. 18-cv-8896-VSB:  
**Letter Regarding Pending Motions for Summary Judgment**

Your Honor:

I am one of the attorneys representing the Plaintiffs in the above-referenced related actions pending before the Court. The Plaintiffs in both actions allege short swing trading by the same Defendants under Section 16(b) of the Securities Exchange Act, 15 U.S.C. § 78p(b).

I write to respectfully remind the Court that the parties have filed cross-motions for summary judgment, which were fully briefed as of October 5, 2020 (*see* Reply Briefs, *Avalon*, Dkt #90 & Dkt #91; *New Concept*, Dkt #83 & Dkt #84). As these motions have remained pending for more than six months, I respectfully submit this reminder on behalf of the Plaintiffs.

Plaintiffs' counsel are available for a conference to address the pending motions at the Court's convenience.

With all due respect,

s/ Miriam Tauber  
Miriam Tauber

*Attorney for Plaintiffs*  
*Avalon Holdings Corp. and New Concept Energy, Inc.*

cc: all counsel (via ECF)